

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
NORTHERN DIVISION

EQUAL EMPLOYMENT : CIVIL NO.  
OPPORTUNITY COMMISSION:

and :  
KATHY C. KOCH :

INTERVENOR/PLAINTIFF:

v :  
L.A. WEIGHT LOSS :  
CENTERS, INC. :

Defendant : WDQ-02-CV-648

NOVEMBER 11, 2004

Oral deposition of KAREN SIEGEL,  
taken pursuant to notice, was held at the  
law offices of the EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION, The Bourse  
Building, 4th Floor, Philadelphia, PA,  
beginning at 9:35 a.m., on the above  
date, before Nancy D. Ronayne, a Court  
Reporter and Notary Public in the  
Commonwealth of Pennsylvania.

ESQUIRE DEPOSITION SERVICES  
15th Floor

1880 John F. Kennedy Boulevard  
Philadelphia, Pennsylvania 19103  
(215) 988-9191

<p style="text-align: right;">78</p> <p>1 probably more newspaper advertisement at 2 that point in time, not necessarily a 3 substantial amount more than 2002 but we 4 definitely because we were just sort of 5 getting involved with Internet we were 6 still relying somewhat on newspaper. 7 <b>Q. Who was posting the</b> 8 <b>newspaper ads at that time, 2001?</b> 9 A. I believe we were-- we were 10 actually posting them. It was either, we 11 utilized Alston Advertising and after 12 utilizing Alston Advertising we did it 13 internally where we dealt directly with 14 the newspapers, whenever that transition 15 occurred, those were the only two, it was 16 either us or them as far as doing the 17 postings. 18 <b>Q. What about 2000?</b> 19 A. I believe in 2000 we were 20 utilizing Alston but I don't remember 21 exactly when we transitioned from them. 22 <b>Q. But newspaper ads?</b> 23 A. I'm sorry, newspaper and it 24 might have been the very end of 2000 that</p>	<p style="text-align: right;">80</p> <p>1 recruiting because we know there's going 2 to be growth in the area so we might over 3 hire for a center in anticipation of 4 opening another center. So there's not 5 necessarily an opening that exists but 6 generally speaking we're going to 7 advertise for a position that's available 8 at that given time. 9 <b>Q. When you say over hiring</b> 10 <b>what do you mean by that?</b> 11 A. Well, you might have more 12 counselors in the center than you need in 13 anticipation of opening another center. 14 <b>Q. Okay. So in that situation</b> 15 <b>you're actually, you're filling vacancies</b> 16 <b>but you're advertising to fill many more</b> 17 <b>vacancies than what are actually open at</b> 18 <b>that time in anticipation of future</b> 19 <b>openings; correct?</b> 20 A. That's correct. 21 <b>Q. Back in '99 is it fair to</b> 22 <b>say that all of L.A. Weight Loss's</b> 23 <b>postings of jobs or if you can find a</b> 24 <b>better term for that let me know, but all</b></p>
<p style="text-align: right;">79</p> <p>1 we started to utilize Hot Jobs. 2 <b>Q. You weren't using Career</b> 3 <b>Builder at that time?</b> 4 A. No, it was a couple months 5 later that we started to use Career 6 Builder. 7 <b>Q. Is it fair to say that when</b> 8 <b>the company does a job posting either by</b> 9 <b>Internet or by newspaper that there is a</b> 10 <b>specific vacancy that the company wishes</b> 11 <b>or vacancies that the company wishes to</b> 12 <b>fill? I'm juxtaposing that with</b> 13 <b>companies who solicit applications to</b> 14 <b>have a pool to draw from but that there</b> 15 <b>may not necessarily be a vacancy open at</b> 16 <b>that time. Do vacancies actually exist</b> 17 <b>when the company posts an ad either on</b> 18 <b>the Internet or in the newspaper?</b> 19 A. Yes and no. Generally 20 speaking if there's a vacancy we're 21 definitely going to post for that 22 position. We may-- there are some areas 23 where we may recruit for a pool of 24 applicants like we might do constant</p>	<p style="text-align: right;">81</p> <p>1 of L.A. Weight Loss's posting of jobs was 2 done by newspaper ads? 3 A. In '99, yes. 4 <b>Q. And is that also true for</b> 5 <b>1998?</b> 6 A. Yes. 7 <b>Q. Do you know if that's true</b> 8 <b>for '97?</b> 9 A. I believe that to be true 10 for '97. 11 <b>Q. Earlier you mentioned in the</b> 12 <b>context of 2003 that leads for counselor</b> 13 <b>and med tech job, anything below</b> 14 <b>assistant manager that wasn't being</b> 15 <b>handled by ESG were flowing directly to</b> 16 <b>your department, the recruiting</b> 17 <b>assistant -- recruitment assistant, Nicky</b> 18 <b>Fryer or yourself, correct?</b> 19 A. That's correct. 20 <b>Q. And was that also true for</b> 21 <b>2004?</b> 22 A. Today? 23 <b>Q. Yes.</b> 24 A. It comes through the HR</p>



<p>198</p> <p>1 applications we're referring to, Hot 2 Jobs, Monster, Career Builder? 3 A. The initial request was made 4 to me and I then had Nicky Fryer 5 interfacing with the Internet providers 6 to attempt to get copies of any and all 7 resumes that had been submitted to any of 8 the job postings. 9 Q. When was that done? 10 A. Whenever your initial 11 request was made. 12 Q. During the investigation of 13 this matter or during the litigation? 14 A. I don't know exactly. 15 Q. The lawsuit was filed in 16 February 2002. 17 A. I believe that's when we 18 would have-- when the request was made. 19 Q. Do you know what the 20 response was from the providers? 21 A. Specifically I don't know. 22 I know more information from Hot Jobs 23 because that was our largest data base at 24 that point in time and they were unable</p>	<p>200</p> <p>1 involved to do that would be astronomical 2 but we've never done it on our end. 3 Q. So to your knowledge L.A. 4 Weight Loss has never actually gone 5 through every single job posting, looked 6 at all the responses and printed those 7 out? 8 A. No. Not to my knowledge. 9 Q. Has L.A. Weight Loss ever 10 gone through every posting, looked at 11 every response and downloaded it? 12 A. That has happened. I mean 13 yes, they do that when they go through-- 14 when they're reviewing a position like 15 when they're reviewing to hire for a 16 position, they look at every single 17 applicant. 18 Q. But what happens to the file 19 after it's downloaded, where is it 20 stored? 21 A. It's stored on it's like a 22 web based, you're dealing with a web 23 based recruitment board job posting. 24 Q. So it's stored on the</p>
<p>199</p> <p>1 to according to what they were telling 2 us, they were unable to make an 3 electronic copy of all of the resumes 4 that had been submitted. And it had 5 something to do with a platform issue and 6 I honestly, I'm not very well versed in 7 IT so I don't necessarily know what that 8 means. 9 Q. So what was the resolution, 10 if they could not make an electronic 11 copy? 12 A. I don't -- I don't know if 13 there's been a resolution at this point. 14 Q. Did you get hard copies of 15 all of this? 16 A. In order to get hard copies 17 you literally would have to go into each 18 individual posting and download each 19 individual application separately and 20 then print that. And I don't believe 21 that's ever been done. 22 Q. By anyone? 23 A. It would not as far as my-- 24 not from my side of things. The time</p>	<p>201</p> <p>1 service provider's site basically? 2 A. Yes. 3 Q. In their server or whatever? 4 A. Wherever they, yes. 5 Q. The files after they've been 6 reviewed by the recruiters, they're-- to 7 your knowledge they're kept on the 8 provider's site but they're not stored 9 electronically in anything at L.A. Weight 10 Loss? 11 A. That's correct. 12 Q. They're not downloaded onto 13 a C-drive or onto your server or onto a 14 disk or anything of that nature? 15 A. That's correct. 16 Q. Is there any requirement 17 that the recruiter prints out everything 18 they look at? 19 A. No, they print out-- they 20 print out the resumes that are 21 prescreened and any resume that is set up 22 for an interview. But again, at this 23 point in time going forward. So what 24 we've done now for 2004 is we've created</p>

<p>202</p> <p>1 these files that we in fact are now 2 saving on our end the rejected-- 3 <b>Q. Now you are printing out or</b> 4 <b>saving every single response?</b> 5 A. Yes. 6 <b>Q. Hereto for though, that has</b> 7 <b>not happened?</b> 8 A. That's correct-- well, not 9 on own end. 10 <b>Q. Right. If it has happened</b> 11 <b>it's with Hot Jobs, career Builder or</b> 12 <b>Monster?</b> 13 A. That's correct. 14 <b>Q. So sitting here today</b> 15 <b>testifying you cannot tell me that the</b> 16 <b>EEOC has received every single response</b> 17 <b>to any postings with Hot Jobs, Career</b> 18 <b>Builder or Monster.com, you cannot tell</b> 19 <b>me that?</b> 20 A. I would agree with that 21 statement. I cannot tell you that. 22 <b>Q. And you also have testified</b> 23 <b>that you are unsuccessful in getting</b> 24 <b>electronic copies of all of that material</b></p>	<p>204</p> <p>1 A. That's correct. 2 <b>Q. --for every counselor, every</b> 3 <b>response for a counselor position in the</b> 4 <b>year 2003?</b> 5 A. Yes. 6 <b>Q. Is that your testimony?</b> 7 A. Yes. 8 <b>Q. How do you know that's true?</b> 9 A. Because we were responsible 10 for submitting the counselor resumes out 11 to the field and we made copies of all of 12 that so anything that we sent out to the 13 field for a counselor, that applied to 14 the counselor position, and we weren't 15 doing any prescreening at that point on 16 those, we were printing them out and 17 sending them out to the field, we made 18 copies of all that. And all of that was 19 then submitted to counsel at well. So I 20 can-- I can testify very-- what is it 21 called-- confidently that you have all 22 the counselor submissions. 23 <b>Q. You can testify that's the</b> 24 <b>process that was in place was to print</b></p>
<p>203</p> <p>1 <b>from the providers; correct?</b> 2 A. As far as my-- I believe 3 that's correct. I may be wrong on that 4 but as far as I know, I don't believe 5 that they were able to provide that. 6 <b>Q. And you also have not been</b> 7 <b>provided by the service providers, Hot</b> 8 <b>Jobs, Monster or Career Builder, with</b> 9 <b>hard copies of all of the responses to</b> 10 <b>L.A. Weight Loss's job postings?</b> 11 A. That's correct -- as far as 12 I understand that's correct. 13 MR. PHILLIPS: Off the 14 record for a second. 15 (A discussion off the record 16 occurred.) 17 BY MR. PHILLIPS: 18 <b>Q. We were off the record for a</b> 19 <b>minute, we were having a discussion about</b> 20 <b>this issue and you stated that off the</b> 21 <b>record that L.A. Weight Loss has printed</b> 22 <b>out the counselor resumes or electronic</b> 23 <b>applications or basically what was the</b> 24 <b>response submitted to a Hot Jobs ad or --</b></p>	<p>205</p> <p>1 <b>out all of the responses?</b> 2 A. Yes. Yes, that's correct. 3 <b>Q. You can't, obviously you</b> 4 <b>can't testify that was done in every</b> 5 <b>single case?</b> 6 A. That's correct. 7 <b>Q. You're not standing over the</b> 8 <b>shoulder of recruiters?</b> 9 A. No. No. 10 <b>Q. Can you testify that during</b> 11 <b>any period in which L.A. Weight Loss has</b> 12 <b>used Monster, Hot Jobs or Career Builder,</b> 13 <b>that all of the responses for any other</b> 14 <b>position other than counselor were</b> 15 <b>printed out?</b> 16 A. I cannot. 17 <b>Q. And you did testify earlier</b> 18 <b>that if there was a prescreening done or</b> 19 <b>interview set up then it was printed out,</b> 20 <b>that a response was to an Internet</b> 21 <b>posting was printed out by L.A. Weight</b> 22 <b>Loss?</b> 23 A. Yes. 24 <b>Q. Do you know what happened if</b></p>